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University of Oxford
R E P L Y

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Dr. *Huddesford's* Observations

RELATING TO THE
DELEGATES OF THE PRESS.

WITH A
NARRATIVE
OF THE

PROCEEDINGS of the PROCTORS

With Regard to their

NOMINATION of a DELEGATE,

APRIL 28, 1756.

OXFORD:

PRINTED IN THE YEAR MDCC.LVI

R E P L Y

Dr. Knapp's Observations

DELEGATES OF THE PRESS



N A T I V E

PROCEEDINGS OF THE PROCTORS

NOMINATION OF DELEGATES

APRIL 1856

PRINTED IN THE YEAR ENCLIV
O X F O R D

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R E P L Y

T O

Dr. HUDDSFORD's Observations, &c.

DR. HUDDSFORD, the late Vice-Chancellor, having made it his endeavour, during the last Vacation, to propagate a story much to the disadvantage of the Proctors of the former year; and having in his speech to Convocation, 6th Oct. 1756, when his office of Vice-Chancellor expired, repeated the same to the house; they thought themselves now called upon to justify their *personal Conduct* to the members of Convocation, before whom they were accused; as they had in a former paper endeavoured to vindicate the *Rights of their Office*. And therefore on the 19th of October last, they circulated in the several colleges the following narrative in writing; which contained (to the best of their recollection) the whole of what had passed upon the occasion; and which, as it was a private transaction, and not much to the credit of the late principal magistrate of the place, (for whose office they have the highest respect) they could have wished to have buried in oblivion.

“ **T**HE many abuses, which had crept into the University-Press (through the numerous avocations of those to whose charge it was committed) having long been a matter of public complaint, it was recommended to the senior Proctor of the former year, immediately upon his entering his office, in *April* 1755, to be cautious in the nomination of future Delegates; and, in particular, he was desired to use his endeavours, upon the first vacancy, to introduce a Gentleman to this trust, who it was presumed might be induced to attend it. This the Proctor then *engaged* to do.

On the 19th of *June* 1755, by the death of the late Rector of Lincoln, three vacancies happened; viz. in the Curatorship of the Theater, the Delegacy of public Accounts, and the Delegacy of the Press.

On the 22d of *June*, the Vice-Chancellor, at St. Mary's church before service, applied to the senior Proctor, in the absence of his colleague; and told him there were *two* Offices become vacant, the Delegacy of *Accounts*, and the Curatorship of the *Theater*; and desired the Proctor's concurrence in promoting his succession to *both*, as one was a necessary step to the other. This the Proctor readily promised him; the Delegacy of the *Press* being then never mentioned at all, though the other Offices were; and the Proctor being then entirely ignorant that the late Rector was one of those Delegates.

On the 23d of *June*, at a meeting of the Heads and Proctors in the Delegates room, the Vice-Chancellor observing the junior Proctor (who came late) crossing the area, suddenly went out of the room, stopped him at the door, and asked his consent that he might succeed to *all* the late Rector's offices in the University. The Proctor, thus suddenly attacked, only asked him if he had obtained the concurrence of his brother Proctor; and the Vice-chancellor assuring him that he had, he acknowledges that he thereupon promised his concurrence also.

A Convocation being appointed to be held in the Theater on the second of *July*, the Vice-Chancellor gave directions to the Registrar to prepare the forms of nomination; who accordingly prepared one for each Delegacy, filled up with the Vice-Chancellor's name, and delivered them to the senior Proctor that morning in the Delegates room: who immediately told the Registrar there was some mistake, for that he was only engaged to nominate the Vice-Chancellor to the Delegacy of *Accounts*, and not to that of the *Press*.

On the breaking up of that assembly, the senior Proctor waited upon the Vice-Chancellor at his Lodgings, and explained to him of what nature he apprehended his engagement to be; and how impossible it was for him to consent to the Vice-Chancellor's nomination, as a Delegate of the Press, by reason of his previous engagement. The Vice-Chancellor replied, that the Delegacies were *one and the same*, and always went together. In answer to which the Proctor urged the distinct forms of nomination; and still insisted that the Delegacy of the Press was never mentioned to him by the Vice-Chancellor. The Vice-Chancellor said, that his words were "*Both Delegacies*;" which (as he understood them to be *one and the same*) was observed to be a little extraordinary. But, at length, being informed who it was that the Proctor proposed to recommend, he then said he would readily resign his Pretensions.

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The junior Proctor, surprized as he was into an extensive promise, on the Assurance that his colleague was also engaged, thought it, however, necessary to be released from that, before he concurred in any other nomination; and accordingly applied to the Vice-Chancellor at noon; who gave him a full, absolute, and unconditional Discharge; whereupon he consented to nominate the person recommended by his brother Proctor. And, in the afternoon, with the unanimous consent of the Vice-Chancellor and Proctors, and subsequent approbation of the House, the Vice-Chancellor was himself nominated a Delegate of *Accounts*, and took the oath peculiar to that office; and the person proposed by the senior Proctor being nominated a Delegate of the *Press*, the same oath was by mistake administered to him also; though he since hath been permitted, not without some opposition, to take the common oath of other Delegates.

It is but justice to that gentleman to declare, that he was an entire stranger to the whole of this transaction, and every step leading thereto, till after the Proctor's conference with the Vice-Chancellor on the second of July; and that he then declined accepting the trust, till he was assured by the Vice-Chancellor in person that he totally relinquished his pretensions.

Thus much for the nominations of the second of July; in consequence of which the Vice-Chancellor was afterwards elected a Curator of the Theater.

On the 13th of July in the same year, another vacancy happening in the Delegacy of the Press, by the death of the late Bishop of Bristol (who was a Delegate only of the Press, and not of Accounts) the public Librarian applied to the junior Proctor on the 15th (being the day on which the Judges arrived in Oxford) to be constituted a Delegate in his room. Besides the motive of personal friendship, the Proctor, being himself a Delegate in right of his office, was by this time thoroughly convinced of the necessity of a more diligent inspection of the Press; and thinking this trust extremely proper for a gentleman in the Librarian's public character, he readily promised his assistance. And, as he had obliged the Vice-Chancellor in one of the former nominations, and his colleague in the other, he now hoped to be obliged in his turn, by as chearful a concurrence upon their parts. This he easily obtained from his brother Proctor the same evening, at the time of their waiting on the Judges. But the term ending the same week, which dispersed the several parties concerned, the further prosecution of the affair was necessarily deferred till after the long vacation.

On the 22d of October, after passing the Bodleyan Accounts, the junior Proctor in the presence of his colleague and another gentleman, proposed

proposed the Librarian to the Vice-Chancellor; who replied, that there was *no vacancy*, the late Bishop being no Delegate, since the Vice-Chancellor, for the time being, had never consented to his nomination; (though the contrary appears in the register) however, upon its being represented that, supposing his nomination irregular, still the old vacancy, made by Dr. Mather, must continue; he then objected that the *Number* of Delegates was *too large*, and that it would be proper to take this opportunity of reducing them. Which was all that passed at that time.

About a month afterwards, or more, in the apodyterium of the Convocation-House, the Vice-Chancellor made his *first* application to the Proctors to be nominated to the present vacancy; then alledging, for the *first* time, that as he had waved his pretensions before, he thought he had now a right to it. Upon the Proctors representing their absolute engagement to the Librarian, he then roundly told them, that it had been usual to nominate only *Heads of Houses* to this Trust; that the Delegacy of the Press was always considered as a proper *Compliment* to the Vice-Chancellor for the time being; that he had consulted his Brethren who were already Delegates; and that *they* by no means approved of the Librarian; wherefore he should never consent to his appointment. Whereupon the Proctors promised to take what he had said into consideration; and they immediately went into the House.

The Proctors finding a negative power thus unreasonably threatened to be exerted, set about (with the assistance of their friends) to examine into its validity and foundation; and, after a long search, having satisfied themselves that it was neither warranted by reason, statute, nor ancient custom, they, about the middle of March, 1756, waited on the Vice-Chancellor at his lodgings; and told him, they also had consulted *their* friends, who thought the Librarian a very proper person; and as they were engaged to him, they were sorry they could not oblige the Vice-Chancellor. He then again asserting his negative, they very respectfully hinted their doubts concerning it; upon which he dismissing them somewhat abruptly, they left with him a paper containing the reasons, upon which those doubts were founded. *

The Proctors still deferred their nomination, which they now apprehended to be the right of their office, being unwilling to come to an open rupture; and hoping that their reasons would in time have some Weight with the Vice-Chancellor, and induce him to lay aside his opposition. An expedient was also proposed by one of their common friends, to end the dispute without either side's sacrificing their real or imaginary

* See Dr. Huddesford's Pamphlet, p. 1.

rights, by taking the opinion of the University (according to the rule prescribed in the statutes, Tit. 10. Sect. 2. §. 2.) and making a new statute for the direction of the Prefs, as appears to have been originally intended by Tit. 18. Sect. 5. But this was rejected by the Vice-Chancellor. And, after repeated Conferences, he still refusing to acquiesce, and giving no satisfactory reasons for his so doing, they, about a week before they left their office, acquainted him with their final resolution to nominate the Librarian in public, unless he could mention any well founded objections against him; in which case they would immediately drop him. He told them, " he had no other objections, than what would lie against " any other person who was not a Delegate of Accounts; for the *Heads* " of *Houses* who were Delegates of the Prefs had come to a resolution, " not to *admit* a person to be a Member of one Delegacy that was not " also a Member of the other."

N. B. The junior Proctor does not perfectly recollect this last speech of the Vice-Chancellor; but remembers that the reasons he gave against admitting the Librarian, were some objections made by either the *Heads of Houses*, or the *Delegates of the Prefs*, he cannot be positive which.

Upon this, after a negotiation of above six months, carried on with all imaginable respect on their side, the Proctors, in justice to themselves, their successors, and the body of Doctors and Masters whom they had the honour to represent, found themselves under the disagreeable necessity of exerting their dormant right; and accordingly on the 28th of April, 1756, the day when their office expired, the senior Proctor, with the concurrence of his Collegue, did in full Convocation nominate the Librarian to this Trust. †

In taking this step they have not, as they trust, invaded the just privileges of the House: under the pretence of which it is now endeavoured to establish a Negative in a single Magistrate. They did not examine into the foundation of this Negative, till after an actual refusal to take the opinion of Convocation upon a Gentleman of acknowledged abilities, and one whose diligence in a former trust recommended him to this nomination. But having, in consequence of this refusal, informed themselves more fully with regard to the rights of their office, they thought it their duty to acquaint the Doctors and Masters with the reasons upon which they had acted, by papers dispersed in the common rooms *,

† N. B. He hath since qualified himself by taking in the first person the Oath of Office in Congregation.

* See Dr. H's Pamphlet, p. 5.

containing in substance very nearly the same with what they had delivered to the Vice-Chancellor six weeks before. And which, upon that account, and also by bearing in front the stile of "*the Proctors of the former year,*" they apprehend can with little propriety be called *anonymous.*"

Since the circulation of this Narrative, viz. on the 29th of October last, after six months deliberation, certain printed Observations have made their appearance, signed by Dr. HUDDSFORD, as Vice-Chancellor, and *therefore*, it is presumed, bearing date the 10th of September. These Observations are addressed to the Heads of Houses, who are desired to lay them before their respective societies. And as this long studied performance is supposed by some Gentlemen to bear an appearance of argument, the Proctors hope it will not be thought improper for them to submit to the sentiments of the House, as early as possible, what they humbly apprehend to be a sufficient refutation.

But, first they beg leave to premise, that though much of Dr. H's performance consists of either arch and facetious drollery (such as, *the most ingenious Paper Writer*, page ii. *The sagacious Paper Writer*, page xviii. *Mr. Paper Writer*, page iv. *Skill in the Law*, page xi. *The no—Delegate*, page vii, &c.) or angry and bitter words (such as, *more crafty than fair suppressions*, page ii. *Assertions absolutely false*, page v. *Taking more upon them, than even in the licentiousness of the Oliverian government*, page x. *The pretending self-swearing Delegate*, page xvi. *Glaring and groundless Innovations,—Disingenuous practices,—Opposers of good order, and legal authority,—Disturbers of the public peace,—Enemies of the University*, page xviii, &c.) yet the late Proctors assure their readers, that they shall leave him in full and unenvied possession of all such ingenious raillery; only reminding him, that this is not the usual way of conducting an argument among gentlemen.

His observations, or arguments, or whatever else they may be stiled, shall now be fully stated, and, they trust, as fully answered; after first reducing them to a regular series and method, the want of which is frequently no small support to a lame and feeble cause.

In order to this, they must beg leave very briefly first to state the question in dispute, and then their own argument. The question was this, **WHETHER DEELGATES OF THE PRESS ARE IN THE ABSOLUTE NOMINATION OF THE PROCTORS ONLY?** The affirmative whereof is supported by this short argument.

All Delegates, that are not excepted from the general rule of the Statutes, are in the absolute nomination of the Proctors only. But

Delegates of the Press are not excepted from that general rule.

Therefore

Delegates of the Press are in the absolute nomination of the Proctors only.

In the Major whereof is included the following

FIRST PROPOSITION.

That Delegates, by the general rule of the Statutes, are in the absolute nomination of the Proctors only.

To prove which they appealed to Tit. 17. sect. 4. § 3. to Tit. 10. § 2. § 7. and to the practice of the University in all general Delegacies.

To support the minor of their argument, they laid down two more propositions, viz.

SECOND PROPOSITION.

There are only three species of Delegates: 1. ANNUAL Delegates, of APPEALS; to be nominated by the Proctors, and, it may be, approved by the House. 2. STATED Delegates, of ACCOUNTS; to be nominated by the Vice-Chancellor and Proctors, and approved by the House. 3. OCCASIONAL, or GENERAL, Delegates; to be absolutely nominated by the Proctors only.

This they proved by Tit. 21. Sect. 20. compared with the Statutes before cited.

THIRD PROPOSITION.

Delegates of the PRESS are not reducible to either of the two former classes; and therefore must belong to the third, viz. OCCASIONAL, or GENERAL Delegates; and as such are not excepted from the general rule, laid down in the first Proposition.

To prove this they appealed to the plain grammatical sense, and obvious construction of the statutes; and also to the practice of the University, with regard to the Delegates of the Press, as it appears in the public Registers; especially those which are nearest the time, when such Delegacy was originally instituted.

The reader will easily perceive that if these three Propositions can be supported, in all their material branches, the affirmative of the question is clearly and indisputably proved.

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But, to invalidate the FIRST PROPOSITION, Dr. Huddesford has the following Observations.

OBSERVATION THE FIRST. The Proctors have assumed to themselves a new and most unstatutable power. (p. i.)

REPLY. It is surely most unfortunate thus to stumble at the threshold, and begin with a *Petitio Principii*, by roundly asserting the very point in question.

OBSERV. 2. The Proctors have no right to *propose* any business in Convocation; because *Nil sine Vice-Cancellarii Consensu proponi aut suffragiis permitti fas est.* (p. ii. iv. v. vi. viii.)

REPLY. It is agreed, that they have no such right; nor did they ever assert they had. They allow, that before any Delegacy is originally appointed, the Vice-Chancellor must propose, and the House must consent, that a Delegacy be named, to whose care such, or such, business shall be committed. What they contend for is, (see p. v.) that when the House have agreed *that a Delegacy should be appointed*, it was formerly the sole right of the Proctors *to name the Delegates* upon all Delegacies; and remains so by our present Statutes, except in the two only cases excepted. For want of this necessary distinction between *committing* the business to a Delegacy, and *nominating* the individual Delegates, Dr. H. has misapprehended the Proctor's meaning, and wasted much paper in disproving what was never asserted; viz. that the Proctors may *delegate the business* of printing to persons selected or nominated by themselves: Whereas they only suppose, that the House having previously committed the care of the Press to a Delegacy in 1662, (or if Dr. H. pleases in 1633, see Observ. 34.) it belonged to their office to *name persons* originally upon that Delegacy; and, as vacancies should happen, to substitute others in their stead; without any subsequent proposal or consent whatsoever. Which claim of substitution is indeed all that Dr. H. himself charges them with, in p. i. l. 4.

OBSERV. 3. It is an assertion absolutely false, that the business of such a [general, occasional] Delegacy ever has been, or can be, statutablely committed to persons selected by the Proctors, without the concurrence of either the Vice-Chancellor or the House. (p. v.)

REPLY. Be the assertion true or false, the Proctors are not answerable for it; for they never made it. They only claim the right of naming,
after

after the business is committed. And indeed, if they have it not in all instances, (except in the two only excepted,) there is no material difference between the general nomination of Delegates, which is the remains of our old constitution, and the new provision for naming Delegates of Accounts by Tit. 10. Sect. 2. § 7. which is expressly calculated to exclude the usual *Arbitrium Procuratorum*. For these, it is universally allowed, are to be nominated by the Vice-Chancellor,—and Proctors,—and approved by the House. So that here are three negatives. And so also the general nomination of all Delegates, (says Dr. H.) is to be by the Proctors,—and approved by the Vice-Chancellor,—and the House. So that here are the same three negatives also. According to this doctrine the compilers of our present statutes gave themselves a needless trouble, to prescribe a new form of nomination in one instance, which had exactly the same effect as the old one had in every other.

OBSERV. 4. But it is *gratis dictum* by Mr. Paper-Writer that any other Delegacies, besides those of Accounts, were before our present statutes in the arbitrary nomination of the Proctors. (p. iv.)

REPLY. One reason, among others, for asserting it, is, because our present statutes declare in general, that this right, *penes Procuratores esse consuevit*. Tit. 10. § 7. And if Dr. H. will consult the Registers preceding the statutes, he will find it the uniform practice in all Delegacies; particularly in two occasional Delegacies of Appeals *inter Jones et Ballard*, 14th June, 1632. And *inter Ballard et Jones*, 19th July, 1632. And in another precedent 140 years older, in an Appeal by Dr. Uske to Congregation, 30th October, 1492: from whence we may gather the intermediate practice to have been the same.

OBSERV. 5. The constitution of the University before the ratification of our present body of Statutes is nothing to the purpose. These are now our only rule.—We have each of us sworn to observe them. (p. i.)

REPLY. The ancient constitution of the University is frequently the best key for opening the reason of a modern Statute; especially of a Statute which, like the present, declares the right of the Proctors to be founded upon custom. “*Delegatos nominandi jus penes Procuratores esse consuevit.*” And it is surprising that the Statutes should be called our only rule, when the very oath referred to is couched in these terms,—“*ad observandum omnia Statuta, Privilegia, & Consuetudines hujus Universitatis.*” Our ancient Constitution therefore, or custom precedent

to the Statutes, is very much to the purpose; and may safely be relied on, unless where it is altered by some subsequent positive decree. Customs indeed (of which we shall hear presently) that have crept in of later times, in contradiction to the Statutes, are allowed to be of no validity.

OBSERV. 6. The word, DARE, does not signify an absolute nomination, but is equivalent to OFFERRE *vel* DARE DOMUI APPROBANDOS; because it is applied not only to *Delegatos in quibuscunque negotiis*, but also to *Judices in causis appellationum*, which latter words are more *craftily* than *fairly* suppressed. (p. ii.)

REPLY. The Statute here lays down the old *general* rule that *Procuratorum munus est Delegatos — necnon Judices dare*; which imports as absolute a nomination as can be created by words; and, if by other parts of the Statutes, that absolute signification is expressly restrained with regard to *Judices*, it does not therefore follow that it is also restrained with regard to *Delegatos*; when such restriction is no where expressed: nor can any *craft* be imputed to the Proctors, for omitting the word *Judices* in this quotation: First, because they did it avowedly; for the stroke, or hyphen, between the words *negotiis* and *dare*, as well as between *est* and *Delegatos*, confesses that there are words omitted: Secondly, because they have mentioned in the two next succeeding Paragraphs, the present method of appointing those Judges, as an exception to this general rule.

OBSERV. 7. There is a laxity of expression in the word, NOMINANDI, which will but poorly support itself against the more determinate and forcible NIHIL PROPONI, AUT SUFFRAGIIS PERMITTI FAS EST. (p. ii.)

REPLY. Here again we must remind Dr. H. of the distinction between *proposing* a Delegacy, and *nominating* Delegates; and of his friend's very just rule of consistency, (p. ii.) For, if the Vice-Chancellor and the House have respectively a Negative upon all Delegates, the Proctors right of Nomination will dwindle to nothing: But, if the Vice-Chancellor is first to *propose*, and then the House to *consent* to a Delegacy; and, *afterwards*, the Proctors to *nominate* the Delegates, this construction will reconcile all apparent inconsistencies.—But surely, in the present case, there cannot remain any laxity of expression in the word NOMINANDI, when it is so precisely explained, afterwards, by the words *pro arbitrio Procuratorum designari*. (See Tit. 10. Sect. 2. § 7.)

OBSERV. 8. The *Negotia* are to be delegated *per DOMUM*; and that, SELECTIS *Hominibus*, not SELIGENDIS; which therefore requires the proposal of the Vice-Chancellor, and the consent of the House, *after* the nomination. (p. ii.)

REPLY.

REPLY. This is spinning the thread very fine. And by the same grammatical nicety, the Statutes are guilty of a solecism in empowering the Proctors *nominare* DELEGATOS; whereas, had Dr. H. directed the stile, it should clearly have been DELEGANDOS. However it is allowed by Dr. H. that this selection is the act of the Proctors only; but then it will be said that the tense of the participle implies, that the act of the House in delegating the business must be subsequent. And yet the *Judices selecti* among the Romans (of whom Tully thus speaks, *pro A. Cluentio* 43. "*Prætores debent optimum quemque IN SELECTOS JUDICES REFERRE*") were appointed subsequent to that reference, like our Juries, *Ascon. in Verrem.* 1. 6. And there is surely no absurdity in supposing a business to be first referred to a *select* Committee, and that Committee be appointed afterwards; as is every day's practice in the House of Commons.

OBSERV. 9. It is not a little surprizing, that the Proctors should be the Representatives of the House, while the House is sitting. (p. iii.)

REPLY. This may possibly have been urged to shew, that the Nomination of the Proctors is, representatively, the Nomination of the House; the Proctors being formerly chosen by the whole University, and now by the several Colleges in rotation. And the conjecture is certainly plausible, that the Nomination of Delegates was originally in the House at large, but was afterwards vested in the Proctors (as Representatives of their Constituents) to prevent the confusion which might arise from continual popular Elections by the whole House. However, the Proctors have built nothing upon this conjecture, nor even inserted it in their paper; relying on more certain foundations.

OBSERV. 10. It is beyond Dr. H's comprehension, how Delegates are in effect delegated by the House, when two of the three constituent parts are excluded from any share in choosing or authorizing the Delegates. (pag. iii.)

REPLY. Dr. H. forgets, that by his own confession the *Negotia* only are to be delegated *per Domum*; (see Observ. 8.) but that the *Homines* are to be selected by another authority.

OBSERV. 11. When the business is proposed by the Vice-Chancellor, or with his consent, but not otherwise, the Proctors have by custom the right of nominating the persons to whom the House may delegate the business so proposed, if the other constituent parts of the Convocation so please: and in this the Vice-Chancellor's Negative, as well as that of the Masters, is again prevalent. (p. iv. 5.)

REPLY



REPLY. The first part of this assertion will be allowed, if (for the reasons given in reply to Observ. 8.) it be stated thus; when the Vice-Chancellor has proposed, and the House consented, to delegate the business, the Proctors have by custom (declared by the statute) the right of nominating the persons. But the latter, conditional, part can never be assented to; as there is only Dr. H's word, that this right is to subsist during pleasure.

OBSERV. 12. The Delegates must be approved by the House: Why else are they named in Convocation? (p. vii.)

REPLY. Because custom, co-operating with the statute, hath so ordained it, for the sake of public notoriety; in the same manner as it hath also ordained the Nominations of the Masters of the Schools, and the Pro-Proctors to be there made, Tit. 17. Sect. 4. §. 2. And yet the concurrence of the Vice-Chancellor and House hath not yet been thought necessary to these appointments.

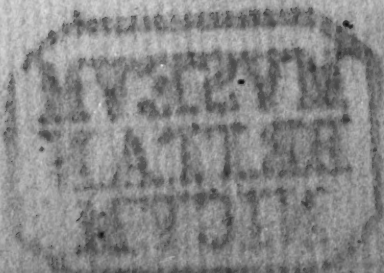
To encounter the SECOND PROPOSITION are urged,

OBSERV. 13. Delegates of Convocation are of two kinds, Stated or Occasional; each of which is subdivided into two species; all different in the manner of their appointment; and so we are provided with with *four* sorts of Delegates, and not with *three* only. (p. iii.)

REPLY. Which of these distributions is the most accurate, will appear from the following Observations. In the mean time it is necessary to remark, that the names and number of Classes, under which the Delegates may be ranked, is of little importance. For the principal Question in debate is not, whether the Delegates of the Press are stated, or occasional, Delegates; but, whether they are excepted from the general rule of Nomination. A Delegation may be stated, and yet fall under the general rule; if no statute directs the contrary; and a Delegation may be occasional, and yet have a peculiar rule of Nomination, if a particular statute so orders it. This will be seen more at large hereafter. At present however widely Dr. H. may have digressed, it is our business to follow, and bring him back.

OBSERV. 14. Stated Delegates are, 1. Annual, or Judges of Appeals, who are called Stated Delegates for the year. 2. Perpetual, or Delegates of Accounts. (p. iii.)

REPLY. It is not remembered that Judges of Appeals are any where called *Stated Delegates for the year*. They are twice indeed compared to Stated



Stated Delegates, in Tit. 21. §. 20. "*Qui ut Stati Delegati, &c.*" (see the Reply to Observ. 22. at the end.) But it is a maxim in the Schools that *Nullum Simile est Idem*. Nor is this a more subtle distinction of the Proctors own, or of their friends with whom they have advised. They are informed that the Civil Law dwells much on distinctions of this similitudinary kind; for which they are referred to Dr. Taylor's Civil Law, 67, 68. Which is the more material, if we consider that this statute relates entirely to legal proceedings, and that the whole title, *de Judiciis*, was compiled with the assistance of Civilians. Wood's Hist. I. 338.

OBSERV. 15. The Judges of Appeals are, 1. Of Congregation, to be named by the Proctors, and approved by the House. 2. Those of Convocation, to be named by the Proctors, and approved by that House.

REPLY. The former parts of this assertion will be agreed to, but the last clause is rather too peremptory. It hath been much doubted, whether the consent of the House is necessary, by the statutes, to the Delegates of Convocation; since the word, *similiter*, may as properly be referred to the extent of their jurisdiction, as to the form of their appointment: especially if the sentence beginning, "*prout supra concessum est*," (which Dr. H. has transposed, for reasons best known to himself) be restored to its proper place, immediately after the words *audiant & determinant*;" for then *similiter* and *prout* will be found to be antecedent and relative. The Proctors have, in their Paper, been cautious of determining any thing upon this point; as it seemed to be both dubious and immaterial to the present question. With regard to the nomination of stated Delegates of Accounts, both parties seem to agree; though, with regard to the qualifications their sentiments may possibly differ. See Observ. 25.

OBSERV. 16. The Vice-Chancellor, by Tit. 10. Sect. 1. has a negative in each of these instances, [of Judges Delegates, both of Congregation and Convocation] (p. iii.)

REPLY. In what part of these Instances? In the nomination, or in the approbation? Not in the nomination; for that is given up in p. 11; and if it were not, yet the words *proponi aut suffragiis permitti* could never relate to a nomination. Nor, perhaps, in the approbation: for an approbation of the House, if necessary, is neither a Decree nor a Grant: and the words are, "*Nihil pro decreto aut concessio habeatur*," not, "*Nemo pro nominato aut approbato*." Nor indeed would it be any credit

credit to our forms of justice, if no appeal could be had from the Chancellor's Court, where the Vice Chancellor sometimes does, and always may, sit in person, unless to such judges as he himself shall think proper to be appointed.

OBSERV. 17. In the substitution to this Delegacy, due regard is paid to the Vice-Chancellor's authority. (p. iii.)

REPLY. The Vice-Chancellor's authority in *substituting* to this Delegacy is acknowledged; being given by express words. But it does not therefore follow, that he has the same authority in *nominating*; where it is not given. The authority of the Proctors is also expressly curtailed in this substitution, and their joint concurrence is, in this instance, rendered unnecessary. Does it therefore follow, that it is equally curtailed, and equally unnecessary, in all? But by the way, (see Observ. 10.) we may observe, that Dr. H. can now comprehend, that Delegates so substituted are, in effect, delegated by the House, when one and an half of the three constituent parts may be excluded from choosing, or authorizing, the Delegates.

OBSERV. 18. A third sort of Delegates (omitted by the Paper-writer) are those for transacting occasional business at a distance. These have no prescribed number, nor description of persons. (p. iv.)

REPLY. It was always imagined, that the general term of OCCASIONAL Delegates would comprehend as well the occasional Delegates *without*, as the occasional Delegates *within* the University. Both seem to be distinct *species* of the same *genus*: But if Dr. H. is determined to make them distinct *genera* he is welcome. They must however have the same qualifications, as to Degrees and Faculties, as other Delegates; for they are not excepted from the general Rule, either in this point, or in that of nomination. Yet, we are told,

OBSERV. 19 That these *extra* Delegates are (p. iv.) to undertake their charge, or (p. vi) are commissioned, *ad Mandatum V. Cancellarii & Procuratorum*. The Vice Chancellor's part in constituting this Delegacy needs therefore no further distinction.

REPLY. Dr. H's. comprehension is here again happily enlarged; (see Observ. 10.) and he can now conceive that *Persons* may be delegated by the House, when the body of the House has no share in choosing and authorizing them: Nay even, it should seem, without their being consulted

sulted on the business. This power indeed, if it exists, transcends the Prerogative Royal. For it is said, that the King himself cannot send the meanest subject even into the most honourable exile, unless by authority of Parliament. And Dr. H. produces no instance, in fact, of this peculiar method of bannition, without any crime committed, by the mandate of the Vice-Chancellor and Proctors. Surely then notwithstanding what is said above, the Vice-Chancellor's part in constituting this Delegacy does need some farther distinction. How therefore does the same phrase come to signify, in one page, *undertaking a charge*; and, in another, *being commissioned*? Or, by what rule of construction does *neogotia prosequi* signify either *to undertake a charge*, or, *to be commissioned*. *Prosequi*, Mr. Ainsworth would inform him, signifies *to follow after*, *to pursue*, *to prosecute*, the business; and, in doing this, they are to obey the commands of the Vice-Chancellor and Proctors *pro re nata*. But what has this to do with their appointment or qualifications? And why will not the general rule for both as properly answer all the necessary ends, or, as he styles them, the grounds for this designation? Of cheapness? since the majority of five may carry on all business; and the interest of the University might suffer, if entrusted to fewer than three: Of fitness? which is more likely to be found in *all* ranks and faculties, than in any *one* of them: Of expedition? for, even in vacation, a Convocation may be held for their nomination, at nine in the morning; and they may be sworn at any hour of the same day in that long neglected assembly, called a *Simile-primo*. Stat. Tit. 12. And, in fact, there are many instances in the Register of Delegates sent upon journeys who are all nominated in the usual form. For example; 23 Nov. 1647, "*Vice-Cancellarius pro-*
"*posuit ut viri quidam idonei nominarentur, qui hujus negotii [de fctis*
"*consulendis] curam agerent: Omnes uno ore consenserunt. Demum Pro-*
"*curatores nominabant [quinque] Delegatos, qui (inter alia) causam Aca-*
"*demiae Londini sollicitarent: Eoque nomine expensas suas in dicto negotio*
"*erogatas e cista Universitatis reciperent; ita annuente venerabili cœtu*
"*Doctorem, Magistrorum regentium & non regentium.*"

OBSERV. 20. The fourth sort of Delegacy is for occasional home business, &c. (p. iv.) and these four are the four only sorts of Delegates. (p. iii)

REPLY. Dr. H's doctrine with regard to the nomination of this fourth, or general, Delegacy, is fully stated and considered in the twelve first Observations and Replies. And supposing with him the occasional, or general, sort to be split into two subdivisions, it will then be acknowledged, that the Statutes have provided us with four sorts of Delegates, and four only. A doctrine, he will do well to remember.

To destroy the THIRD PROPOSITION, it is observed,

OBSERV. 21. That the Delegates of the Press ought to be, and now rightly are, *Stati Delegati pro re typographica & pro rationibus ejusdem.* (p. vi.)

REPLY. This is setting up a *fifth* denomination of Delegates; whereas the preceding Observation assures us, that there are *four*, and only *four*. Now as these are neither, 1. Stated Delegates of Accounts, *qui singulas rationes Universitati reddendas accipient*; nor, 2. Delegates of Appeals; nor, 3. Occasional *extra* Delegates; it follows that they must be, 4. What Dr. H. calls Occasional Home Delegates; whose duty is perhaps thus hinted at by the Statutes, *qui a domo Convocationis ad ordinanda Statuta typographica delegantur.* Tit. 18. Sect. 5.

OBSERV. 22. Delegates of the Press are Stated Delegates, because Stated Delegates are such either from the matter of their trust being foreknown, prescribed, and permanent;—or from the certain continuance of the same persons in the same trust during life or residence;—or from both; (p. iv. p. vi.) But in the Delegacy of the Press the matter of the trust is foreknown, &c. and the Delegates have always been continued in the same trust during life or residence. (p. vi.)

REPLY. This is arguing from matter of fact to matter of right; from what *has been* done to what *ought to be* done; the conclusiveness of which is more fully considered in the Reply to his next Observation. In the mean time, we may remark that this definition of Stated Delegates, to use an expression of Dr. H's, has too much laxity. The matter of *all* delegated trusts is foreknown, and prescribed, and in *all* Delegacies the same persons continue with equal certainty in the same trust, so long as that trust subsists. The only *proper* expression here made use of is that of permanence; by which must be meant a necessary and essential permanence. And this ingredient of necessary permanence is wanting in the business of Printing; for that may possibly be intermitted for a time, (as seems to have happened in the middle, and at the close, of the Grand Rebellion.) In which case it is apprehended that the Delegacy is of course dissolved. And should it be afterwards resumed, a new Delegacy must then be constituted, as was done in 1653, and 1662. A better definition of *Stated* Delegates seems to be, a permanent set of persons, to whose care a multiplicity of successive matters is committed. Whereas general, or occasional, Delegates, are a set of persons to whose charge one only business is entrusted; upon the dispatch of which business such occasional Delegacy expires, and they are no longer Delegates. Thus a
Delegacy

Delegacy to renew a Lease is an Occasional Delegacy; and when that Lease is renewed, their authority ceases; but till then, however long the negotiation may last, their trust continues. Thus, till the promulgation of the new Statutes, one set of Delegates used to be appointed to audit the Proctor's accounts for the current year, another to audit the Vice-Chancellor's, and others for other accounts. These were at that time occasional Delegates (as indeed there was then no other species) and when they had passed the accounts committed to their inspection, the Delegacy was dissolved. But, by the new Statute, *Stated* or *Standing* Delegates were first appointed; not to audit this or that particular account; but, *qui SINGULAS rationes Universitati reddendas accipient*; and the care is permanent; that is, it necessarily and unavoidably will continue so long as they reside in the University. With regard to the Delegates of Appeals, they so far partake of the nature of Stated Delegates, that they are assigned to dispatch a multiplicity of successive matters, *Causas OMNES appellationum*; but they want the ingredient of permanence, as they last only for one year; and therefore they are not absolutely denominated *Stati Delegati*, but only are compared to such, *ut Stati Delegati*, with respect to the extent of their commission during the short time of their continuance.

OBSERV. 23. This Delegacy has from its first origin been supplied by substitution; but no substitution of Delegacies is provided for by Statute but in Stated Delegacies only; therefore this is a Stated Delegacy. (p. vii.)

REPLY. The silence of the Statutes with regard to substitution in any Delegacies but those of Accounts and Appeals, was formerly hinted to Dr. H. by a person, whom he would frequently be understood to glance at, as a reason for some explanatory Statute with regard to the Delegates of the Prefs. The turn here given to it is entirely Dr. H's own. Let us see how this argument stands;

The only Delegacies, for which the Statute provides a substitution, are Stated Delegacies.

But this has been supplied by substitution;

Therefore this is a Stated Delegacy.

This surely is not reasoning, but somewhat else. The major is untrue, if the Delegacy of Appeals be not a stated Delegacy. (see Reply to *Observ. 14.*) The minor is at all events irregular, for it should have been

thus conceived, " But for this Delegacy the Statute provides a substitution," and then the conclusion might have followed in due form; and we should only have denied the fact. The truth is, there is some difficulty with regard to this power of substitution, which perhaps calls for an explanatory Statute; and that is, whether such a power can, or cannot subsist, unless it be expressly provided for by Statute, as in the two instances above-mentioned. For if it cannot subsist unless by express words, then in the present case all nominations since the original appointment must have been illegal and void; and the consequence will be, not that such illegal nominations have changed the nature of the Delegacy; but that the Delegacy itself has long ago expired. But on the other hand, if it can virtually and impliedly subsist, though not expressly given by Statute, it probably subsists in that office, to which the right of nomination originally belonged; and consequently the substitution of the Proctors is as valid as their first nomination. And this is confirmed by the usual Practice of the University. As (among many other instances) to the Occasional Delegates *pro Horto Botannico* 7th Mar. 1660, the Proctors on 12th Mar. following subjoined two more, and on 16th Dec. 1669 substituted seven others.

OBSERV. 24. They are Stated Delegates; because in an Act of Convocation, 17th October, 1643, wherein they must be supposed to have been intended, they are called *Stati Delegati*; which shews that they were then considered as such. (p. ix. x.)

REPLY. The Act here quoted is an Act of Convocation of the 23d November, 1644; which only recites what had been done on 24th October, 1643; and that not very accurately; for though the king's letters were then read, yet no reference was then made of them to any Delegacy whatever. Though had such reference been really made in the words here specified, and had the Delegates of the Press been thereby intended, yet it should be considered, that this is a matter entirely collateral, having no respect to the right of their appointment. And in the other collateral Act, 31st Mar. 1637, (cited p. viii. ix.) they are *not* called *Stati Delegati*, which is a proof, of equal validity that they were not then considered as such. But, there is no instance produced of their being called so in any Act, relative to their *Appointment*, till the 28th April 1694; though several of the Proctor's nominations (in words of the first person) are entered at length in the Register. And indeed had the Register so called them, in one or two appointments, that would no more convert them into *Stated* Delegates, than the calling by that appellation

lation the Delegates for renewing Leases, in the appointments of 8th July, and 29th November, 1737, and others, converted those from the *occasional* to the *stated* kind. Nay, farther; supposing Delegates of the Press not only to have been CALLED, but also to BE *Stated* Delegates, it will not therefore follow that they are *Stated* Delegates of *Accounts*, as they must be proved to be in order to establish the Vice-Chancellor's negative over them. It would only prove (as was hinted in Reply to Observ. 13.) that both Dr. H. and the Proctors have been inaccurate in distributing the several species of Delegates; for under the *stated* kind, Dr. H. ranks none but those of Appeals, and Accounts; and the Proctors the latter only: whereas it would then appear that there is another species of *Stated* Delegates omitted by both, viz. those of the Press. But notwithstanding, as these are not excepted from the general rule of nomination, they must of course be governed by it, and be therefore absolutely nominated by the Proctors. For if the House should hereafter direct a permanent Delegacy to be appointed, to visit at certain periods the University estates, or, from thence forward to inspect the repairs of the public buildings, these, (whether *called* so or not) would by their constitution be *Stated* Delegates; and yet the form of their appointment would not be altered, nor would the Vice-Chancellor acquire a necessary voice in their nomination, unless it were expressly so ordained by a new Statute. Dr. H. seems to be aware of this, when he advances in

OBSERV. 25. That Doctors only have been nominated upon the Delegacy of the Press. (p. xi.) That by statute the Delegates of Accounts have no certain number appointed, nor description of persons (p. iii.) but may be all Doctors; whereas in occasional Delegacies there must be one or more Masters. (p. xi.) And thence he seems to infer, or else he infers nothing, that Delegates of the Press are not occasional Delegates, but *Stated* Delegates of Accounts.

REPLY. The *Logic* of these propositions, thus connected, will be found of the same standard with that of Observ. 23. or, if possible, more inconclusive; if any one will take the trouble to examine it. At present we will only consider the *truth* of them, when taken singly. Delegates of Accounts, it will be allowed, have no certain number appointed; neither have Occasional Delegates, neither have any other, except only those of Appeals. But it cannot be admitted, that by Statute they have no description of persons, or that they may all be Doctors, even at their original appointment; for such is the import of these words, being set in opposition to the qualifications of occasional Delegates, as to whom

whom he allows no substitution. Now it seems to be manifest from the plain construction of the Statute, Tit. 7. Sect. 2. § 7. (which by the way is but *one* Statute, tho' D. H. distinguishes it into *two*, p. xi.) that, in order to form a more complete representative of the House, *ALL* Delegacies at their first appointment must consist of *aliqui & singulis Facultatibus, et ex Doctoribus, Magistris regentibus, et non regentibus*. This is the general rule, as contained in the first clauses; which determines the qualifications of all Delegates, and also the right of nomination. A subsequent clause hath altered the manner of nomination in the Delegation of Accounts, but has made no exception with regard to their qualifications. And accordingly, in the first nomination after the new Statute was published, 26th July 1634. "*Procuratores secundum nova Statuta nominabant hos egregios viros Statos Delegatos ad audiendum et determinandum singulas rationes sive computa Universitatis.*" viz. Five Doctors in Divinity, two of Physic, one of Law, and five Masters of Arts.

How far the same qualifications ought to be regarded in subsequent subrogations is a matter which has not been yet attended to. But since Dr. H. has thought proper to bring it upon the carpet, it perhaps may deserve consideration. For, in the Delegation of Appeals, upon every substitution, the same qualifications are directed to be observed if possible, as in the original appointment. Nor need we apprehend any inconvenience to the present Delegates of Accounts from this disquisition, as such an omission will not (like a defect in the nominating power) invalidate any former nominations; but may easily be amended and supplied, according to the precedent in p. v. by adding with all convenient speed to the Delegation of Accounts a Physician, and two Masters of Arts; and to the Delegation of the Prefs a Physician and a Regent Master; the late Proctors having already added, to the latter, a Jurist and a Non-regent Master, in their two last nominations.

N. B. The date of this amended precedent, should be 1643, and not 1743; and the page of the register 53. Being some of those numerous typographical errors, which one should not have expected from a Candidate for the Care of the Prefs.

OBSERV. 26. The oath of qualification for Stated Delegates of Accounts, *mutatis mutandis*, is quite suitable to this kind of trust, viz. that of a Delegate of the Prefs. But that for Occasional Delegacies is far from being so; as no obligation is specified for fidelity in Accounts. (p. vii)

REPLY. The oath of Delegates of Accounts which is very antient (see Lib. sen Proc. 104 b.) is quite suitable to their kind of trust, as it engages

gates for their attendance in auditing all Accounts, and for fidelity in such their audit, which are properly their only charge. And if (as perhaps it has been imagined) the only duty of a Delegate of the Press consisted in casting up their servants Account-book, the same oath, *mutatis mutandis*, might also be suitable to their trust. But surely Dr. H. has forgotten the charge inculcated by the Delegations and Decree of 1633, 1637, 1653, and 1662, "*Ut rationem ineant, qua amplissima nostra privilegia in majorem Academiae UTILITATEM redeant & HONOREM; —statuant de prælo Græcis literis destinando, & MSS. Bibliothecæ Codd.—Græcos, Arabicos, & Linguarum Orientalium selectiores—Luce publica donando—Statuta typographica condant, lites dirimant, prælum academicum supervideant, rem typographicam in universum procurent, & rationem quotannis REDDANT de receptis & expensis, quo tempore Vice-Cancel. computum suum fecerit.*" Let him now reconsider the oath of Delegates of Accounts, and judge whether it be quite suitable to this kind of trust; whether an obligation, merely *quod strictum & fidelem computum AUDIET*, can be administered with propriety to one whose instructions are, *quod rationem quotannis REDDAT*; and, lastly, whether the general oath, *quod officium & munus Delegati super negotiis sibi commissis sedulo & diligenter exequetur*, does not engage as well for fidelity in Accounts, as for other branches of this trust.

OBSERV. 27. But the obligation, *quod non omnino aberit nisi ex causa, &c.* is highly proper in *short-lived* Occasional Delegacies, but very unsuitable to *perpetual* Delegates: Which those who have forcibly administered to themselves this oath would do well to reconsider.

REPLY. An Occasional Delegacy may be very *long-lived*, in other instances besides the present (as in that of the Physic Garden, see Reply to Observ. 23.) And yet there is no provision for altering the statutable oath in such cases. But even supposing this Delegacy *perpetual*, where is the absurdity of being bound to attend upon proper summons, without a reasonable excuse to the contrary? All Members of Convocation are bound upon their general oath to attend the service of the House, being *debitè præmoniti*: And as all Delegacies are the House in miniature, the same obligation to attendance is neither unnecessary nor unsuitable to them. We call the obligation the same, for a man cannot in either case be expected to attend without notice; and there is a provision in both to dispense with their attendance for just cause of absence. And this oath all General, or Occasional, Delegates (when legally appointed) are bound to take in Congregation, *Juramentum præstare tenentur*; which
may

may be as properly done, in the first as in the third person; especially if no person be appointed, *exigere*, to exact or administer it. And every Member of the University, who hath taken the Oaths of Allegiance, Supremacy, or Abjuration, the Savilian Professors, the Librarian, and all his Electors (who all take their oaths in the first person) may with equal propriety be denominated *Self-Swearers*, as the person upon whom Dr. H. hath bestowed that obliging epithet. (p. xvii)

N. B. These three last Observations, if well founded, could only tend to infer, that the Delegacy of Accounts and of the Press are one and the same. A position that Dr. H. has not ventured to advance in print; as it contradicts the experience of above a century.

Thus far to invalidate the argument of the Proctors; here reduced into three propositions. How far he has succeeded herein, not they but the reader must determine. He next proceeds to obviate the Precedents, in which the consent of the Vice-Chancellor and House is omitted.

OBSERV. 28. The consent of the Vice-Chancellor and House may be, and usually is, given by silence, (p. vi. p. xii.)

REPLY. This is a very good proverb, but a bad argument. Does the Registrar therefore never enter that consent which is given by silence? This will not be pretended. When a question is proposed, he always enters it as agreed to unless it be denied. As therefore no consent of the Vice-Chancellor, or House, is entered with respect to those nominations, it cannot be presumed to have been given. And, of course, either that the nomination was good without such consent, which the Proctors apprehend to be the case: Or that it was void; and then the whole Delegacy must have long ago expired, for no substitution to persons thus illegally named can continue it.

OBSERV. 29. Arguments are not conclusive which are drawn from omissions concerning matters of form, directed by Statute; which may supply the circumstance of form omitted; and which for that reason might not be thought necessary by the Registrar to be inserted in every instance. (p. vii.)

REPLY. For that very reason, because they are directed by Statute, the Registrar would probably think them necessary to be inserted. But are the consent of the Vice-Chancellor and House merely matters of form? Surely, if directed by Statute, they are matters of *substance*; and were thought

thought so by Dr. H. else whence has arisen this controversy? But he is pleased first to suppose that such consent was held to be necessary; 2dly, That it was constantly given; 3dly, That the consent of the House was omitted for 35 years, and that of the Vice-Chancellor for 61, merely through the negligence of the Registrar; and then, lastly, observes that arguments drawn from such omissions are not conclusive. But surely arguments drawn from such suppositions are less conclusive: for if a string of suppositions amounts to good proof, a man of a lively fancy may prove any thing. When Registers and public Records are appealed to, we must give them an implicit credit; and all that is therein contained must be supposed to have been done, and what is not therein contained must not be supposed to have been done; else there is an end of their testimony. Besides, even one, and much more a continued, omission of this consent, will weigh more than a multitude of instances in which it has been given. For if the consent be necessary, and it is omitted, the appointment is illegal and void upon the face of it. But if it be not necessary, it may be either superadded to or withheld from, such an appointment, without increasing or diminishing its validity. For such consent, whether given twice, or thrice, does not make itself necessary for the future; and therefore the precise number of instances may well be apprehended not to be of any very material consequence, (see p. xiii.) Suppose a Vice-Chancellor should formally declare his consent to the nomination of Delegates of Appeals; or should ask and obtain the approbation of the House to a Master of Augustins, or of the Schools; all which are allowed (p. 11.) to be entirely in the nomination of the Proctors, and to be exceptions to a general rule, to which, by the way, they have no relation; (see Reply to Observ. 16.) Would such a superfluous consent deprive the succeeding Proctors of their statutable right of naming? Or, to give a more striking instance, of annual practice; the consent of Convocation is constantly asked and given to the Chancellor's nomination of his Vice-Chancellor. Does that deprive the Chancellor of his right *commissarium suum, sive Vice-Cancellarium* NOMINARE? which it may be observed is the same expression as invests the Proctors with their right of appointing Delegates; and is equally liable, if practice be the only rule, to be charged with a laxity, or melted down into OFFERRE VEL DARE DOMUI APPROBANDUM. But, though practice concurring with statute may be allowed to be a good interpreter, yet practice, especially modern practice, unwarranted or opposed by statute, must be looked upon as of no validity.

OBSERV. 30. The quotations are unfair and mutilated, (p. xviii.) and there are voluntary (p. xiii.) and not accidental, omissions, (p. x.)

D

REPLY

REPLY. It is not pretended that every syllable in the Registers was literally copied. Abbreviations, which do not prejudice the sense are always allowable: But nothing, which might affect the real Question, was knowingly or voluntarily omitted. The Proctors supposed claim, as well to propose the Delegacy as to name the Delegates, having never had any existence but in Dr. H's imagination, they could not be expected to produce any extracts relative to that point. This reduces the instances complained of to two; in the Delegations of 22 April, 1691, and 28 April, 1694. And herein it must ingenuously be confessed, that, through haste and inadvertence, there are two omissions; for which they beg pardon of the readers of their former papers; and hope they will be attributed (as was really the case) to the inexperience of the searcher, who was entirely unpracticed in such business, and to the voluminous bulk of the Registers which were necessary to be consulted on the occasion. Indeed they are sorry to find, that Dr. H. should assert the little likelihood of an oversight, and should take it for granted that all such omissions must be voluntary; since he himself, who after so harsh a censure was bound to the utmost accuracy, has not only made several mistakes in his account of the conjunction of the two Delegacies in the same person, as may be seen by comparing the Lists; but has also totally omitted two nominations to the Delegacy of the Prefs; the one of Dr. Cobb, 9 July, 1717; the other of Mr. Bigg, 27 March, 1727; though they both are "as conspicuous as any thing in the page; both wrote with initial capitals;" the former nominated at the same time, and in the same paragraph with Dr. Baron, whose appointment he has given us; and Dr. Panting expressly said to be appointed in the room of the former, and Dr. Holmes of the latter, in their several nominations referred to by Dr. H. And yet, after all the Proctors will not charge either of these omissions as wilful, unless Dr. H. shall still persist, that an oversight is a thing improbable.

As to the first of their own omissions, it was signified to the Members of Convocation as soon as discovered (in May last) by an additional paper in the following words. "In making the Extracts from the University Register lately dispersed, it appears that the following clause, subsequent to the nomination of 22 April, 1691, was overlooked; viz. *Rogante Vice-Cancellario, supra scriptos Delegatos venerabilis Domus Convocationis approbavit.*" Therefore in the paragraph immediately preceding the Extracts, for two and only two be pleased to read three and only three." This Advertisement Dr. H. hath entirely sunk, and with the same degree of candor hath asserted (p. xiii.) that "this citation was brought to prove that there was no mention of the Vice-Chancellor his
"interfering

"*interfering* for upwards of 70 years." Whereas the words of the Paper are (p. 7.) that in this period "no mention is once made of the Vice-Chancellor's *interfering in the nomination*:" Which this passage by no means disproves; as it only shews a *third approbation* of the House (over and above the *two* they had already cited) which nobody could have asked but the Vice-Chancellor.

The latter omission they remained ignorant of, till the publication of Dr. H's Pamphlet. And a remarkable instance they own it is, which they could have wished to have sooner known; not only as it reduces the period of the Vice-Chancellor's not interfering, from 70 to 61 years; but also as it fixes the æra of the Vice-Chancellor's assuming this power, as to which they were before in the dark. What alterations either of these omitted passages will make in the material part of the Proctors argument, must be left to the judgment of the reader.

OBSERV. 31. There is but one instance of a legal Delegacy for Printing, from 1st April 1633, to December 22d, 1662; which is twenty nine years and a half. What is become of the entire conformity of practice for upwards of thirty years?

REPLY. So nice a calculator should have observed that from 1st April 1633 to 5th October, 1668, (when the innovation was first made by superadding the consent of the House) is upwards of thirty years. And during that period there are *three* instances, (in 1633, 1653, and 1662) all of nominations entirely new; made by the Proctors only; at distinct periods of time; under persons differing in other principles, and yet agreeing in this point; all which strongly shews the sense which was entertained of the procuratorial power, till upwards of thirty years after the Delegacy began.

OBSERV. 32. But the Delegacy began antecedent to our present Statute; and the designation of the Delegates could not be by a Statute not then formed; (p. x.) therefore the nomination of 1633 can be no precedent.

REPLY. It should be remembered that the right of nomination laid down by our present Statute, is declared to be an old right; "*jus esse consuevit*;" and therefore might probably have been observed in an institution a little antecedent to our present Statutes, which were totally digested by the 20th Aug. 1633, were revised by the Chancellor and were published in Convocation 22d July, 1634, and printed the same year; though the present corrected copy received not its final sanction till 1636. But, on the other hand, though it is said (p. x.) that these

Delegates have been *Stated* Delegates from their very origin, yet that was impossible; because the existence and very name of *Stated* Delegates was introduced by the new Statutes. And immediately thereupon care is taken to appoint a *Stated* Delegacy for Accounts (see Reply to Observ. 25.) while the business of the Press is left in the hands of its former Delegates, who could at their institution be no other than General, Occasional Delegates.

OBSERV. 33. But the Delegacy of 26th March 1653, was made by most illegal authority, in the licentiousness of the Oliverian government, even while the former Delegacy was subsisting; and therefore can be no precedent. (p. x.)

REPLY. The late Proctors are no greater admirers of an Oliverian government than Dr. H; their idea of which is, that under the plausible pretence of protecting the rights of the community, it tends only to fix an arbitrary power in a single person. Yet they cannot agree that all academical transactions under that government were illegal; for then even every degree should have been vacated, and the whole register at once destroyed. Whereas the damnatory sentence, produced by Dr. H. (p. 15.) to invalidate (it is presumed) this Delegation, extends only to such Acts as were contrary to the duty of subjects, scholars, and honest men. And here it may be incidentally observed, that in the Delegacy of 31st October, 1666, which conferred that important censorial trust, the Delegates were nominated by the Proctors only, without any consent of the Vice-Chancellor, or subsequent approbation of the House. But, he adds, that the former Delegacy was still subsisting, and therefore would infer that the new appointment was illegal. We were before told, and very truly, (in Observ. 22.) that Delegates continue during life or residence. When therefore they ceased to reside, whether by compulsion or choice, their Delegacy could no longer subsist, and there was a necessity of appointing a new one; as was done for the public Accounts in 1649, and for the Press in 1653. And, for the same reason, at the restoration the old Delegacies are not said to have revived, or to subsist; but an entire new nomination is made; for Accounts, 16th August, 1660; for the Press, 22d December, 1662. This Delegacy indeed, of 1653, is formed upon so excellent a model, with so much propriety as to the persons and their public offices, and with such a statutable regard to degrees and faculties, as more legal times might have copied without blushing. It is not however to be wondered, that Dr. H. should be willing to annihilate this precedent; since in the very same Convocation so clear a distinction is made between this, and the *Stated* Delegacy of Accounts; and the forms

forms of nomination are so very different. But having thus routed the two first precedents, he triumphantly proceeds to the attack of the next; 22d December, 1662.

OBSERV. 34. And here he must beg leave to borrow the following remark from the ingenious Paper-writer, whose skill in the law furnishes Dr. *H.* with more apposite expressions than he should otherwise have hit upon.

N. B. " Though this Nomination bears the form of a new Appointment, yet as no formal Act was done by the House to dissolve the Old Delegacy, two Members of which, Dr. *Fell* and Dr. *Baylie*, viz. those nominated 1633, were still living and resident, it is apprehended that it could only operate by way of Substitution or Subjunction of the five new Delegates to the former." (p. xi.)

REPLY. No great skill in the law was requisite, to hit upon the apposite expressions of substitution and subjunction, which it is supposed he means. A little, very little, knowledge of the Statutes and Forms of Convocation will furnish a man with these. Nay even Dr. *H.*'s memory. (which certainly ought to be a good one) might have furnished him with the former, in the Statute cited p. 14; with the latter, in the register cited p. xii. of his own performance. But when he borrowed the form of the remark, he should have been certain it would have fitted his own materials, which it by no means does. For a Delegacy may be said to have subsisted in 1691, when four members of it (nominated in 1688) were still living and resident, and had been so during the intermediate space; two of them (Doctors *Halton* and *Mill*) being heads of Houses when named; another (Dr. *Aldrich*) made Dean of Christ Church in 1689; and the fourth (Dr. *Jane*) being Regius Professor at both periods. And yet it does not follow that a Delegacy must subsist in 1662, though two members of it (Dr. *Fell* and Dr. *Baylie*) nominated in 1633 had really been living and resident; when their residence had been intermitted for twelve years, viz. from 1648 to 1660. The Delegacy of 1662 was therefore a new appointment, and not a substitution or subjunction. But, after all, how comes poor Dr. *Fell*, who died in 1648, to be raked out of his grave upon this occasion, and to be living and resident in 1662? Probably it will be said, there were two Dr. *Fells*, *Samuel* the father, and *John* the son: And *John* is here meant, who (though *Samuel* died in 1648) was alive both in 1633 and 1662. So indeed he was; but in 1633 was unfortunately but eight years old, tho' he was matriculated in three years after. *Wood's Athen.* II. 602. Perhaps at last then to reconcile all difficulties Dr. *H.* may suggest, that Dr. *Samuel Fell*, having diligently executed his trust for many years, might
so

so manage matters as to resign in favour of his son; and so might subsist by representation. But of this there are no traces in the register.

The inference drawn from their being all Doctors is considered before, in the Reply to Observ. 25.

OBSERV. 35. From the year 1694 the approbation of the House is omitted in every substitution of Stated Delegates both for Printing and for Accounts, (except three) though expressly required by Statute (p. xiii.)

REPLY. No inference is drawn from this observation; but we presume Dr. H. means to infer, that because it was required, therefore it must be supposed to have been given, though omitted in the register; and if given in the Delegacy for Accounts, it may also be supposed to have been given in the Delegacy for Printing. The weakness of which argument is shewn in Reply to Observ. 29. For if no approbation appears, none can be presumed to have been given. The consequence of which, with regard to the Delegacy of Accounts, where such approbation is indisputably requisite, is too obvious to need an explanation; and his brother Delegates are much obliged to him for this discovery. There is another remark that naturally arises from the same discovery; viz. that the year 1694, as it is the æra of the Vice-Chancellor's consent to the nomination of Delegates of the Press; so it is also the æra of neglecting the approbation of the House, not only as to those Delegates, where we presume it is not required; but even as to the Delegates of Accounts, who could not statutably be appointed without it. And just so far indeed the introduction of a Vice-Chancellor's negative over the Proctors nomination will always prove a defence of the statutable rights of the regent and non-regent Masters. (see p. xviii.)

OBSERV. 36. In the substitution of 1694, and many others, there is no consolidation of the Delegates of Accounts with the Delegates of the Press; to which practice the Paper-writer very falsely ascribes their being at first ranked among the Stated Delegates. (p. xiv.)

REPLY. The late Proctors have, in neither of their papers, ascribed the *ranking* of the Delegates of the Press among the Stated Delegates, to this or any other practice. But they now may make this remark, that the year 1694, the æra of the Vice-Chancellor's consent, is also the æra of thus ranking them. It is true, they have accounted for the *unwary* modern use of the same form of nomination in both, from the more frequent consolidation of these trusts of later years. And if it did not arise from thence, they are at a loss to know whence it did. For they cannot but observe, from the list of the Delegates of the Press, a wide difference between two periods of exactly the same length; the one immediately before

Ad Statutorum Tit. X. Sect. 2. §. 7.

De Delegatorum Preli nominatione & munere.

INSUPER cum res Typographica, quam in omne ævum hîc loci feliciter administrandam fore speramus, melius per statos & perpetuos Delegatos expediatur, neque de hujusmodi Delegatorum nominatione & munere in hisce Statutis satis provisum esse videatur.

PLACUIT Academiæ statuere & decernere ut Vice-Cancellarius & Procuratores pro tempore existentes, D^{nus} D^r Niblett Collegii Omnium Animarum Custos, D^{nus} D^r Leigh Collegii Baliolensis Magister, D^{nus} D^r Purnell Collegii Novi Custos, D^{nus} D^r Jenner Collegii Divæ Magdalenæ Præses, D^{nus} D^r Blackstone è Collegio Omnium Animarum, simul cum Magistro Owen è Collegio Jesu, M^{ro} J. Bridle è Collegio Novo, D^{no} D^r Wyndham Coll. Wadh. Custode, in posterum Preli curam suscipiant; Qui ut statim Preli Delegati, de negotiis ad rem Typographicam spectantibus cum relatione ad Domum Convocationis deliberent & determinent, pecunias in eos usus solvendas recipiant & erogent, & rationem quotannis reddant de hujusmodi receptis & expensis, quo tempore Vice-Cancellarius computum suum fecerit. Et ad hoc munus suscipiendum singuli ritè nominati se fide datâ Universitati firmiter teneri noverint, & in ipsâ Convocatione, si præsentibus fuerint, alioqui coram Vice-Cancellario, exigente Seniore Procuratore, Juramentum præstabunt in hæc verba — *Tu dabis fidem ad ea omnia quæ ad Preli Delegatum pertinent sedulò & fideliter exequenda.*

Quod si quos è statis hisce delegatis, aut eorum Successoribus, satis concedere, vel aliàs Universitate excedere, vel se cum consensu Domus Convocationis Officio abdicare contingat, alii continuo in ipsorum locum subrogentur, è Doctoribus cujuscunque Facultatis, vel Magistris Regentibus aut non Regentibus, per Vice-Cancellarium & Procuratores, aut per majorem partem eorundem nominandi, & deinceps à Domo Convocationis approbandi. Et ut omnia in hoc negotio cautius fiant & integrius, hujusmodi nominatio in frequenti Convocatione Domui significetur, deinde in proximâ Convocatione à Domo approbanda seu improbanda proponatur.

Hi autem Delegati ad minimum quater in anno, nempe in secundâ cujuslibet pleni Terminii Hebdomadâ, aut sæpius, si ita negotia Typographica postulent, die & horâ à Vice-Cancellario pridie constituendis, in Typographeo Clarendoniano, aut (si de justâ causâ ita expedire videbitur) in alio loco idoneo convenient, de negotiis ad rem Typographicam spectantibus consulturi. Quicquid verò ipsis placuerit, à Registrario Universitatis Registro peculiari inferatur.

Denique, hæc super Prelo Delegatio in posterum à Delegatione super Computis ita discriminetur, ut non plures quàm tres Delegati Computorum sint eodem tempore Delegati Preli.

before, the other immediately after, the introduction of the Vice-Chancellor's consent. viz. That from 1633 to 1694, out of 35 Delegates of the Prefs, only 18 were at the same time Delegates of Accounts, and those interspersed among 49 others; there being appointed during that period 67 Delegates of Accounts: But, from 1694 to 1755, out of 32 Delegates of the Prefs, 28 have been also Delegates of Accounts; most of them nominated to both offices in the same day, and intermixed with only five others; there having been during this period but 33 Delegates of Accounts. And it is observable, that from 1722 to 1748, there was no person in the whole Delegacy of Accounts, but what was also a Delegate of the Prefs; consequently none to audit, but such as were also to account. They also remark, that of the 35 Delegates of the Prefs nominated from 1633 to 1694, only 17 were then Heads of Houses; but that from 1694 (the æra of the Vice-Chancellor's consent) to 1755, *all*, except the very last, have been Heads of Houses at the time of their nomination, to the total exclusion of other Members of Convocation. How far this may have contributed to the present flourishing state of the Prefs, or "will be sufficient to open the eyes of those Gentlemen, who "have apprehended an Encroachment of Authority," it is not for the Proctors to determine. In the mean time, that Dr. H. should reckon *himself* among the Delegates of the Prefs, (p. xviii.) is somewhat surprising: But it is still more so, that he should venture to assert in the same page, that the Accounts of the Prefs have always been audited and settled by the proper Delegates, and then the balance already stated allowed by some of them, who were also Delegates of Accounts: Since he cannot but remember, that in *December* 1755, when the Workmen's Accounts were settled (for the only time during his office) a mere Delegate of Accounts was called in, and a mere Delegate of the Prefs, together with the two Proctors were dismissed, and not suffered to inspect the Book;—because they were only Delegates of the Prefs.

Upon the whole it is hoped, that the Positions laid down by the late Proctors in their several papers left with Dr. H. and sent to the Common Rooms, stand clear of all material objections; especially those raised by Dr. H. They will not endeavour by any declamatory epilogue to excite the *passions*, rather chusing to address themselves to the *reason*, of the University: And therefore they beg leave, for the last time, to submit their own sentiments and those of their friends, to the judgment of the Members of Convocation; in whose determination they have always been, and still are desirous to acquiesce: Being, with true respect,

Their most obedient Servants,

Nov. 12, 1756.

The PROCTORS of the former Year.

T A B L E

OF THE

Succession of the Delegates of the Press,

From the Year 1633, to 1756.

N. B. Those printed in *Italics* were also Stated Delegates of Accounts during their continuance in this Trust; those marked with the letter P. were nominated by the Proctors only; with V. had also the consent of the Vice Chancellor; and with C. were approved by the Convocation: and those with an Asterisk prefixed were not Heads of Houses at the Time of their nomination.

1633. Apr. 1. D ^{res} * Fell. P. Pinke. P. Fruen. P. Smith. P. Zouch. P. M ^{ri} Baylie. P. * Rouse. P. * Hammond. P. * Turner. P. * Hippesley. P. * Morgan. P.	1691. Aldrich. P. C. Levet. P. C. Edwards. P. C. Adams. P. C. * Bernard. P. C.
1653. Mar. 26. M ^r Owen. P. D ^{res} Wilkins. P. Goddard. P. * Crofs. P. M ^{ri} * Bathurst. P. * Tully. P. * Bunkley. P. una cum Vice Canc ^o , Procura- toribus, Professoribus publicis, Professoribus Savilianis, Oratore, Protobibliothecario, & Custode Archivorum, pro tempore.	1694. Apr. 28. D ^{res} Hough. V. P. or, 18. Charlott. V. P. 1698. Apr. 13. D ^{res} Mears. P. Dunster. P. 1710. Nov. 14. D ^r Lancaster. V. P. C. Mar. 19. D ^{res} Braithwaite. V. P. Shippen. V. P.
1662. Dec. 22. D ^{res} Bailie. P. Yate. P. Barlow. P. Say. P. * Pococke. P. * Fell. P. * Jenkins. P. 1668. Oct. 5. M ^r * Walker. P. C. 1674. Feb. 8. D ^{res} * Allestree. P. C. Marshall. P. C. 1688. Apr. 26. D ^{res} Halton. P. * Jane. P. * Aldrich. P. Mill. P.	1712. Apr. 23. D ^r Gardener. P. Oct. 9. D ^r Atterbury. V. P. 1713. Nov. 10. D ^r Smalbridge. V. P. 1717. Jul. 9. D ^{res} Baron. V. P. Cobb. V. P. 1719. Jun. 6. D ^r Dobson. V. P. Oct. 5. D ^r Matber. V. P. 1720. Aug. 23. D ^r Panting. V. P. 1721. Feb. 10. D ^r Delaune. V. P. 1722. Oct. 15. D ^r Butler. V. P. Dec. 10. D ^r Carter. V. P. 1727. Mar. 27. M ^r Bigg. V. P. 1728. May 2. D ^r Gibson. V. P. 1729. May 16. D ^r Hodges. V. P. Mar. 3. D ^r Holmes. V. P. 1730. Oct. 27. D ^r Holland. V. P. 1731. Jul. 9. D ^r Niblett. V. P. 1734. Jul. 2. D ^r Coxed. V. P. 1738. Feb. 26. D ^r Leigh. V. P. C. 1740. Nov. 12. M ^r Purnell V. P. 1745. Nov. 6. D ^r Isham. V. P. Dec. 3. D ^r Jenner. V. P. 1748. Apr. 20. D ^r Coneybeare. V. P. 1749. Jul. 11. D ^r Derham. V. P. 1755. Jul. 2. * D ^r Blackstone. V. P. C. 1756. Apr. 28. * M ^r Owen. P.
1691. Apr. 22. D ^{res} Halton. P. C. * Jane. P. C.	

A P P E N D I X,

CONTAINING

EXTRACTS from the STATUTES

Referred to in the foregoing PAGES.

Tit. 10. Sect. 1.

NIHIL autem pro decreto aut concessio habeatur, quod Cancellarius, sive ejus Vice-Cancellarius; vel ambo Procuratores, sive eorum Deputati; vel major pars Regentium & non Regentium, negaverint. Præterquam in Electionibus, quas liberas esse volumus, secundum antiquam consuetudinem, per majorem partem omnium suffragantium.

Tit. 10. Sect. 2. §. 2.

Si quando ex usu Academiæ futurum videbitur, aliquid de novo statuere vel decernere; vel, si quando circa Statuta & Decreta jam condita, vel in posterum condenda, dubitatio aliqua emergat, unde ulterior eorundem explanatio requiratur, (modo ne, sub explanandi obtentu, sensus Statuto cuius affingatur, omnem ipsius vim illudens aut enervans; neve hæc explanandi potestas ad Statuta Regiæ Auctoritate sancita vel confirmata extendatur, sine speciali ipsius Regis licentia) statutum est, quod priusquam Lex roganda, vel Statutum explanandum suffragiis Magistrorum Regentium & non Regentium permittatur, primo ad hebdomadalem concessum Præfectorum Collegiorum & Aularum per Vice-Cancellarium referatur negotium.

Atque ubi, re mature perpenſa, inter eos convenerit de verbis conceptis, sub quibus Lex sciſcenda, aut Statutum explanandum illis videbitur, sub iisdem terminis res ad Magistros Regentes in Domo Congregationis, per Procuratores referetur, triduo ante Convocationem habendam.

In Convocatione autem sequente, iisdem verbis, quibus in Congregatione proposita fuerat, per Registrarium, mandato Vice-Cancellarii, palam recitetur. Ac demum ubi Vice-Cancellarius, Procuratores, & major pars Regentium & non Regentium in terminos consenserint, sub quibus Lex sciſcenda, aut Statutum explanandum videbitur, sub iisdem terminis per Registrarium palam ibidem recitentur; & de iisdem Regentium & non Regentium suffragia rogentur. Sub iisdem etiam terminis, in quos consensum fuerit, in acta redigantur; nec ante diem trigessimum, immediate sequentem publicationem sive recitationem eorundem in Domo Convocationis, vim aut auctoritatem Decretorum sive Statutorum fortiantur.

Tit. 10. Sect. 2. §. 7.

Cum varia Universitatis negotia, a paucis citius & commodius, quam a pluribus, expediantur, eoque nomine, selectis quibusdam hominibus per Domum Convocationis delegentur, qui

qui de iisdem deliberandi vel statuendi, cum nuda relatione ad Domum, vel cum relatione & approbatione simul (prout prædictæ Domui videbitur) potestatem habent, quos Delegatos nominandi jus penes Procuratores esse consuevit.

Ordinatum est; quod e singulis Facultatibus, & ex Doctoribus, Magistris Regentibus, & non Regentibus aliqui seligantur; qui impositum sibi onus subire, & in Congregatione quavis, diem Delegatorum Conventui destinatum antecedente, Juramentum corporale præstare teneantur.

“ 1. Quod legitime de die, hora, & loco præmoniti de tempore in tempus, in locum per Vice-Cancellarium destinatum convenient.

“ 2. Officium & munus Delegatorum, super negotiis sibi commissis, sedulo & diligenter exequentur.

“ 3. Non omnino aberunt, nisi ex causa per Vice-Cancellarium, & Procuratores antea vel post approbanda.”

Quicquid vero Delegati omnes, vel major ipsorum pars, determinaverint, in negotiis delegatis, cum nuda relatione ad Domum, sine ulteriore disceptatione ratum est; in Delegatis vero cum relatione ad Domum, & approbatione ejusdem, totius Domus suffragiis denuo permittitur.

Cum præter Delegatos ad expedienda negotia intra Universitatem; opus sit nonnunquam delegari quosdam ad prosequenda negotia extra Universitatis præcinctum, Statutum est, quod (quoties hoc usu venerit) ad mandatum Vice-Cancellarii, & Procuratorum, singuli ad hujusmodi negotia, pro virili, prosequenda (modo hoc fiat expensis Universitatis) paratos se præsentent.

Quoniam vero ad computandas rationes Vice-Cancellarii, Procuratorum et aliorum, novos quotannis Delegatos pro arbitrio Procuratorum designari, haud e re Academiae esse, usu compertum est; decretum est, quod in posterum Stati Delegati per Vice-Cancellarium, et Procuratores, cum consensu Domus Convocationis, nominandi sint, qui singulas rationes Universitati reddendas accipient, præterquam de quibus speciali decreto, aliter cautum fuerit.

Quorum si major pars in Universitate præsens non fuerit (quoties rationes quæcunque Universitati reddendæ fuerint) Procuratores, vel eorum alter, cum consensu Vice-Cancellarii; totidem in locum absentium ad præsens subrogabunt, quot ad maiorem partem explendam suffecerint.

Quod si quos e Statis hisce Delegatis, satis concedere, vel alias Universitate excedere contingat, alii continuo in ipsorum locum, eadem autoritate, subrogentur.

Hi autem Delegati, quamprimum nominati fuerint, in ipsa Convocatione (si præsentibus fuerint) alioqui coram Vice-Cancellario, exigente seniore Procuratore, singuli juramentum prestabunt in hæc verba.

“ Tu jurabis, quod audies strictum & fidelem computum, de omnibus & singulis computandis per—(&c.) nec allocabis nisi quæ allocanda sunt; sepositis dolo, fraude, amore, & invidia. Ita Deus te adjuvet & hæc Sacrosancta Christi Evangelia.

Tit. 17. Sect. 1. §. 2.

Cancellarii munus est — Congregationes Regentium, nec non Regentium, & non Regentium convocare, in quibus nihil sine ipsius aut Vice-Cancellarii sui consensu proponi aut suffragiis permitti fas est.

Tit. 17. Sect. 4. §. 3.

Procuratorum munus est — Delegatos in quibuscunque negotiis, nec non iudices in causis appellationum dare.

Tit. 18. Sect. 5.

Cum serenissimus Rex Carolus ejus nominis primus, pro eo affectu, quo literas & literatos fovet, privilegia Universitatis, quoad rem Typographicam nimis antehac arctata, mirum in modum

modum amplificaverit; ne clementissimi Regis indulgentia, sordidi ac illiberales artifices ad privatum suum quæstum abutantur: Statutum est, quod nullus Typographus in posterum huius Privilegiis, aut Titulo Typographi Universitatis nostræ gaudebit, nisi qui in admissione sua singulis Statutis & Ordinationibus circa regimen Typographorum, per Domum Convocationis factis vel in posterum edendis se submiserit.

Quoniam vero, in re Typographica usu compertum est mechanicos hosce artifices (lucris sui compendium, cum dispendio operis plerumque sectantes) calligraphiæ seu operis decori et elegantiae minime studere, sed opera quæque rudia ac inemendata in publicam lucem extrudere; idcirco præsentis statuto cautum esto, quod publicæ Universitatis Typographiæ, instruendæ in Domo aliqua huic usui specialiter deputata, præficiatur Architypographus unus; vir Græcis Latinisque literis probe instructus, et in studiis Philologicis versatissimus; cuius munus erit, Operis Typographicis ibidem præesse, materiam sive Suppellectilem Typographicam (Chartam scilicet, Præla, Typos et alia huius Opificii instrumenta) ut sint in suo quæque genere lectissima providere. In operibus e publica Universitatis Typographia prodeuntibus, Typorum modulum, Chartæ qualitatem, Marginum mensuram prescribere, Correctorum errata emendare; & alia quæcunque ad operis ornatum & perfectionem spectantia sedulo curare, cui muneri quo alacrius & liberior vacet (præter certam portionem lucris e Libris impressis provenientis ipsi posthac pro ratione symbolæ, quam ad publicæ Typographiæ peculium seu sortem communem contulerit, assignandam ab iis qui a Domo Convocationis ad ordinanda Statuta Typographica delegandi erunt) Officium superioris Bedelli in Jure Civili (utpote reliquis minus negotiosum) quandocunque primum quoquo modo vacaverit, perpetuo in posterum annectendum fore præsentis Statuto cautum esto.

Tit. 21. §. 20.

Statutum est, quod Procuratores, in prima Congregatione post susceptum officium, pro Congregatione Magistrorum Regentium, septem Judices Delegatos nominent: quorum duo Sacræ Theologiæ, unus juris, unus Medicinæ Doctor, & tres in Artibus Magistri (necessario vel ad placitum Regentes) sint; qui, ut Stati Delegati, cum approbatione illius Domus, causas omnes appellationum, a Cancellario ejusque Vice-Cancellario sive locum tenente, ad Domum Congregationis devolutas, audiendi ac terminandi per totum annum insequentem, potestatem habeant; ita tamen ut prorogetur & continuetur Jurisdictio Delegatorum quoad causas coram ipsis inceptas donec sententiam tulerint, vel aliter finem imposuerint, & sententia executioni debite mandaverint.

Quodque deinde, in proxima Convocatione, pro Domo Regentium & non Regentium, novem alios Judices Delegatos itidem nominent: quorum duo Theologiæ, duo Juris, duo Medicinæ Doctores, tres Magistri ad placitum Regentes sint, qui similiter, ut Stati Delegati, anno insequente, causas appellationum a Domo Congregationis ad Domum Convocationis delatas, audiant & determinent; prout supra concessum est Delegatis Congregationis, quoad causas intra annum inceptas anno insequente determinandas.

Et si quempiam eorum qui sic nominati fuerint, deficere, vel diutinæ absentiae causam habere, vel ex iusta etiam causa recusari contigerit, Procuratores, vel eorum alter, cum Domino Vice-Cancellario, alium ejusdem Facultatis & Gradus si talis in Universitate præsens fuerit, alias quemlibet alium (prout ipsis videbitur) in ejusdem locum substituant.

BRITANNICVM

